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SUBJECT: OPENING UP AGAIN? MOROCCAN PRISON ADMINISTRATION
AND REFORM (C-NE9-00043)

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[1](#)B. 08 RABAT 0569 (NOTAL)

Classified By: Charge d'Affaires, a.i., Robert P. Jackson for reasons 1
.4 (b) and (d).

[1](#)1. (S/NF) Summary: This cable responds to Ref A request for information and provides a broader general update on Morocco's prison situation and the now year-old Prison Administration. Overcrowded and underfunded, Morocco's prisons are in a difficult, but changing situation. They have won increasing international interest, due in part to a large number of Islamist prisoners, and the risk of radicalization. The Government of Morocco (GOM) reported that among the roughly 60,000 prisoners, more than 100 inmates died in 2008, which NGOs blamed on poor conditions. Morocco's chief warden is Prison Administration Delegate-General Moulay Hafid Benhachem, a former top cop for the late King Hassan II. Benhachem has been in office a year following a shakeup after a major breakout by radical Islamist prisoners. He told us security was his first priority and rehabilitation next. With King Mohammed VI's support and a larger budget, Benhachem has improved security, increased rations, and is embarking on an ambitious building program, but problems persist. He is beginning to open to international cooperation. The Justice Ministry is redrafting the penal code to allow for parole and probation, the most effective way to ease overcrowding, and has asked us for help. The USG so far has provided only modest support to a prison rights NGO. We have sought new funding, including under a Defense Appropriations Act Section 1207, to aid the Ministry of Justice, Prison Administration and organizations involved in post-release re-entry, to reduce the risk that former prisoners could become suicide bombers. End Summary.

Background

[1](#)2. (C) Overcrowded and underfunded, Morocco's prisons are in a difficult but changing situation. They have been the locus of increasing international interest, due in part to a large number of Islamist prisoners, and the risk that the difficult environment could foster violent tendencies post-release.

With a population of some 60,000, estimates in early 2008 suggested that prison budgets were barely one dollar per prisoner per day. Prisoners must receive food from family and friends if they are to eat at a reasonable standard. Overcrowding can be severe, as shown in some photographs of prisoners sleeping across the floor of a large cell, packed like sardines, a condition uncommon, but which may still exist in some facilities.

13. (C) During the years of lead, the repressive era of Hassan II, Moroccan prisons were often forbidding places, isolated in the desert with unspeakable conditions and abuse common. Later in Hassan II's reign and under King Mohammed VI, many of these symbols of repression have been closed; some turned in to places of remembrance but cutting prison capacity. Despite growth in the number of prisoners in recent years, no new prisons have been built for years, although that is now changing. Outside interest has increased since a young Moroccan, released on pardon after being imprisoned for several years for alleged association with those involved in the 2003 Casablanca bombings, blew himself up in a Casablanca cybercafe in 2007, part of a ring of seven such suicide bombers. In the years leading up to 2008, the Ministry of Justice (MOJ) then responsible for prisons, instituted some human rights-linked changes funded by outside donors, including permitting NGOs to work in the prisons. In response to agitation by Islamist/Salafist prisoner support groups and families, it also granted increasing privileges to some Islamist prisoners. The death penalty has not been carried out in about a decade, although abolition of capital punishment will not likely soon occur.

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This has contributed to growing numbers of capital prisoners. The diminution of repression in Moroccan society has probably also contributed to the rising number of inmates, with severe physical abuse a lesser form of crime deterrence. We understand that as many as half the inmate population may be awaiting trial.

14. (C) In late April 2008, after the escape of nine Salafists (Islamic radicals) from Kenitra prison, many convicted of involvement in the 2003 Casablanca bombings, King Mohammed VI moved responsibility for prison administration from the MOJ and gave it to the newly created Directorate under the Prime Minister's Office. The MOJ had accommodated the growing organized presence of Salafists in the prisons by granting increasing privileges, and there was a sense that it had simply lost control. The escape turned the prison situation into an embarrassment for the GOM and the King.

Benhachem and the King: The New Old Guard

15. (C) The King named Moulay Hafid Benhachem, a former Director General of National Security (DGSN or national police) under Hassan II, to head the new Prison Administration, with the quasi-ministerial-rank of Delegate General, and reporting formally to the Prime Minister but undoubtedly also directly to the Palace. Retired since 2003, Benhachem had a reputation for toughness. He did not engage, as far as we have been able to determine, in any official or unofficial work or consulting for the GOM during his retirement, nor did he work in the private sector. Benhachem brought with him to the Prison Administration several veterans of the former king's security apparatus, triggering concerns within the diplomatic and domestic human rights communities.

16. (C) On the day of Benhachem's appointment, King Mohammed VI released a statement directing Benhachem and his new Directorate to improve the reinsertion and reintegration of former prisoners into society; guarantee security and discipline within the prison system; ensure respect for law

within the system; bring conditions in prisons into accordance with international norms; ensure respect for human rights and dignity within facilities; and improve working conditions for staff members and guards. The same statement indicated that such improvements were crucial to combating radical Islam. This was notable as the GOM had previously been reluctant to publicly link militant Islam with prison conditions. The same day, Minister of Justice Radi said that Benhachem's appointment was part and parcel of a broader justice sector reform process.

The Prison Administration

17. (C) The Directorate General for Prison Administration and Reinsertion is an independent entity with its own budget and central administrative apparatus. It absorbed all responsibility for correctional administration from the MOJ and is not affiliated with any other ministry or agency. Since the removal of the Prison Administration from the Ministry, there has been little discussion between the two organizations except through formal channels. While the MOJ still directs strategic penal policy, such as the possibility of expanding alternative sentencing or judicial supervision, it now has no input into security and daily operations of prison facilities. Nor is there any indication of a continuing link between Benhachem and the DGSN, or of any influence from the DGSN/Interior Ministry (MOI). The MOI has adamantly refused to even discuss with us prisons or related assistance.

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18. (C) Benhachem's approach to his new job seems well thought-out and strategic. On assuming his position in April 2008, Benhachem halted discussions with foreign embassies about cooperation programs, undertook an intensive internal organizational audit, and formulated a plan and budget. He fired officials he felt were incompetent or corrupt. Benhachem proceeded to issue a series of directives ordering prison guards to begin wearing their uniforms on duty once again and instructing all staff to apply all rules and regulations consistently at all facilities. He warned of dire consequences if his instructions were not followed. He ended the policy of appeasement of Salafist inmates, who had gained unprecedented privileges and control under the MOJ (Ref B). However, with palace support, he also got a larger budget, and once he reestablished security, funds were then appropriately next allocated for improved food. In addition, he expedited existing construction and pushed forward plans for additional new prisons. The recapture (or death) of all the Salafist escapees, and others as well, allowed scope for renewed reform and cooperation with the international community.

Personality, Priorities and Assistance

19. (C) EmbOffs met with Benhachem on June 19, 2008 (Ref B), and again on March 31, 2009, at the Directorate General for Prison Administration and Reinsertion (DGAP) headquarters. In both meetings, they found him direct, charming and practical, but wary of USG intentions. Benhachem underscored the ministerial status of the Prison Administration. Benhachem told EmbOffs that he is in charge of prisoners while incarcerated and responsible for their reintegration into society when released, although he had earlier confirmed that his responsibility ended at the prison gate. The DGAP's 2009 budget includes USD 128 million for general operations and USD 86 million for capital expenses such as new construction and renovation. Benhachem told EmbOffs that this represented a 40 percent increase in funding. In statements reported in the press, Benhachem said that the new budget allowed him to increase spending per prisoner USD 50

cents to two dollars per day.

¶10. (C) In a separate meeting with Morocco USAID Mission Director, he expressed a greater degree of comfort in working with USAID than the Embassy, and recommended that all requests for programming and cooperation with the DGAP be sent through the Ministry of Foreign Affairs (MFA) via diplomatic note. He also floated the idea of forming an inter-ministerial coordination group, helmed by the MFA, to work on security sector assistance issues with the USG. (Comment: This suggests his mandate may include increased controls on and transparency in relations with U.S. entities. End Comment.)

¶11. (C) In the March 31 meeting, Benhachem told EmbOffs that security and rehabilitation were his twin and intertwined priorities. However, he emphasized that he would not sacrifice security in the name of reform, saying, "I cannot make progress if I do not control my buildings." On the security side, Benhachem had very specific thoughts and highlighted renovation, new construction, and improved technological ability to scan inmates and packages for contraband as immediate areas of focus. He said that establishing closed-circuit-television networks and electronic monitoring of facilities and inmates was an important medium-term goal that would leverage his limited staff and financial resources to greater effect. Benhachem also expressed a need for better equipment for his staff and improved training.

¶12. (C) On the subject of rehabilitation and post-release reintegration of inmates, Benhachem appeared open-minded but less in command of the subject. He expressed a need for

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greater life skills programming but offered no specific ideas. He reinforced a desire for medical assistance within prisons and encouraged EmbOffs to coordinate with Deputy Administrator for Social and Cultural Programs Hilmi. Benhachem also said that there needed to be greater coordination with the private sector and local governments to provide jobs and soft landings for released prisoners. Benhachem maintained there was no serious overcrowding in the women's section and was less interested in specific women's programming. (Note: Women are a small minority of prisoners -- perhaps only three percent. End Note.)

¶13. (C) Despite public statements of support from Minister of Justice Radi, who told then-Ambassador Riley in November 2007 that he sought the creation of an independent prison authority, relations between Justice and the DGAP remain tense. M'Hammed Abdenabaoui, the number three at the MOJ, still holds the pre-sentencing and post-release portfolio for his Ministry. He told PolOff in a February meeting that the MOJ was interested in collaborating with the USG in designing reentry programs. Abdenabaoui said that communication with the DGAP was still tense but improving. He thought Benhachem seemed to have little respect for the MOJ's former prison managers.

The Two Deputies

¶14. (C) Two deputies assist Benhachem. Mustapha Hilmi, a former prosecutor who also served at the upper echelons of the MOJ's Central Prison Authority, was given the title of Director of Social, Cultural and Reintegration Activities. Soufiane Ouamrou, formerly of the police (DGSN) became the Director of Inmate and Physical Security. Hilmi is known to EmbOffs and is respected within the legal community. He assisted the American Bar Association in Rabat in efforts to reform the Moroccan Bar Association. Under the MOJ, he was known as a moderate voice on prison issues. At the March 31 meeting, Benhachem appeared to have a collaborative, respectful and easy relationship with Hilmi, who also

attended. Benhachem appeared to trust his insights and delegated tasks to him easily. Mission staff have not met with Ouamrou and little is known about him.

Current Conditions

¶15. (C) Overcrowding remains the largest single challenge to the Moroccan prison system. Its 59 prisons, many of which are outdated and poorly maintained, hold 60,000 inmates, 40 percent more than they were designed to house. Almost half of those detained are in pre-trial or preventive detention. Since Moroccan law allows for up to a year of pre-trial detention, and Morocco has no jails in which individuals awaiting trial can be held separately from convicts, this class of inmate contributes significantly to the overcrowding problem.

¶16. (C) According to the Moroccan Prison Observatory (OMP), an independent, non-profit watchdog group, inmate complaints of abuse or substandard conditions increased by 22.48 percent in 2008 compared to 19 percent in 2007. OMP received 520 letters from prisoners or their relatives related to mistreatment, poor conditions, malnutrition, lack of medical treatment, sexual assault and violence. The OMP's report linked 18 deaths directly to substandard conditions and inmate violence as a result of overcrowding, and reported greater than 100 inmate deaths overall. The OMP also strongly criticized poor working conditions for the system's 5,228 guards, most of whom only make USD 240 per month. In press statements, Abderrahim Jamai, a member of the OMP board, said that the organization's attempts to raise issues of concern with Benhachem were rebuffed and their letters to

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the DGAP remain unanswered.

¶17. (C) The DGAP's Hilmi, in a public statement, countered that cases of violence were down 12 percent in 2008 compared to the period between 2003 and 2007. In a separate statement, Benhachem said that 2008's inmate mortality rate, while high, was less than the previous year's rate of 125 deaths, and well within norms for a system of this size. He added that 32 percent of mortality cases were due to chronic diseases, and that 66 percent of deaths among the prisoners were registered in hospitals. Benhachem said that there was one suicide every two months in 2008.

Status of Islamist Prisoners

¶18. (C) The majority of Salafist or terror-related inmates are held in prisons in Tetouan, Sale and Ain Sebaa outside Casablanca. Although they no longer enjoy the broad privileges they once did they, like most inmates in the system, they have easy access to mobile phones and contraband smuggled in when family members bring food. On January 29, Embassy received a letter from Reda Ben Othman, an "Islamic detainee at the local prison of Ain Sebaa." He alleged that he and his fellow religious prisoners still suffer "assault and torture" at the hands of authorities for their beliefs. There is a formally recognized NGO, "Anassir" (victory), which advocates for the prisoners as individuals or as a group. In 2007, a photograph of a police officer beating the wife of a Salafist prisoner at an Anassir demonstration was carried by al Qaeda websites, accompanied by threats against perfidious Moroccan authorities. Benhachem has apparently dispersed some Salafist prisoners, but most remain concentrated in a few higher-security prisons.

Plan of Action

¶19. (C) In a speech at a national workshop on implementing the International Convention against Torture (ICAT) in Morocco, Benhachem said that harmonizing Moroccan legislation with the ICAT was in the interests of society and that protection of human rights was a central aspect of his mandate. He said that he had issued directives on respect for rights to all staff members and would not hesitate to punish violators. He also encouraged all security sector staff to meet both the spirit and the letter of laws and agreements. Since his appointment, Benhachem has suspended or fired five prison directors and more than 20 guards and officials for dereliction of duty or malfeasance.

¶20. (C) At the ICAT workshop, Benhachem said that a special 240 million dirham (USD 30 million) allocation is being used to complete six new prisons in the first half of 2009. He added that renovations at the "priority prisons" of Oukacha in Casablanca and Kenitra are well underway. The end result of this investment, he explained, would be to increase inmate living space from the current level of 1.6 meters per person to three meters. (Note: International norms call for nine meters. End Note.) The new facilities will include areas for enhanced inmate training and counseling. Benhachem indicated that the DGAP will begin to recruit an additional 6,000 guards in 2012.

¶21. (C) In terms of health services, Benhachem said that the DGAP directly employs 107 general practitioners and has a large number of medical specialists under contract to provide inmates with additional care as needed. According to Benhachem, the DGAP has also increased per person medical expenditures from less than USD .01 to USD .50 per day.

Pretrial Diversion, Parole and the Justice Ministry

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¶22. (C) As part of a longer-term strategy to decrease overcrowding and provide incentive-based rehabilitation programs, the GOM with the MOJ in the lead is revising the penal code to allow for parole and probationary release of convicts. There is no such provision under current law; so inmates must either serve their entire sentence or hope to benefit from a royal pardon. Some prisoners convicted of terrorism won early release in pardons, in some cases due to an admittedly wide dragnet after the 2003 Casablanca bombings. Both Benhachem and the MOJ's Abdenabaoui separately told EmbOffs that the creation of a parole and probation system is a crucial aspect of correctional reform in Morocco. Abdenabaoui, who would have MOJ authority over any conditional release structure, informally requested USG help in setting up such a system in 2007, 2008 and 2009. Abdelaziz Nouyaidi, President of NGO Adala (Justice), told EmbOffs in April that the GOM had not yet invited civil society comment on the draft penal code and was playing its cards close to the chest.

Partners and Other Actors

¶23. (C) The largest actor working on rehabilitation and correctional issues outside of the DGAP is the Mohammed VI Foundation for Reinsertion. Founded in 2002 with strong royal patronage, the GOM-funded private foundation aims to lead the effort to improve vocational and educational reform in prisons. Overseen by a board made up of human rights activists and private sector leaders, the Foundation has laid out a plan to provide vocational training to 26,570 inmates (11 percent female) between 2008 and 2012. The Foundation has established Post-Release Coaching Centers designed to ease the transition to freedom.

¶24. (C) Other potential partners include:

-- The Observatory of Moroccan Prisons (mentioned earlier). OMP was the recipient of the first USG funded prison assistance in Morocco, initially in 2006 through a grant from the Bureau of Democracy, Human Rights and Labor for technical assistance to this human rights civil society organization and, in 2008 in a modest USD 80,000 grant of Counterterrorism (S/CT) funds administered by Middle East Partnership Initiative (MEPI);

-- Relais Prison, a social work organization run by Fatna Elbouih, a prominent former political prisoner, who works with inmates on vocational, health and counseling issues;

-- Association Annasir (or Al Nasir), an Islamist prisoner support and advocacy organization;

-- Other small NGOs, including one in Western Sahara, support prisoner welfare and education;

-- The Belgian Embassy, which works with released prisoners;

-- The British Embassy, which is funding a mediation training program in prisons through U.S.-based NGO Search for Common Ground and has funded curriculum development programs in the past at the DGAP's training Academy in Ifrane;

-- The Danish Embassy, which is funding an agricultural vocational skills program at a minimum-security prison in central Morocco; and

-- The European Union, which has expressed an interest in working on penal issues in Morocco.

Comment

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125. (C) Comment: Although still steering a firm, security-focused course, Benhachem appears to have somewhat assuaged those who feared he would focus only on walls and guards and not rehabilitation or reform. Once he established control, he seems ready to begin engaging with donors. Given his apparent lack of trust over USG motives in wanting to fund prison programs, it would be advisable to proceed slowly and closely engage only if identifiable funds are already available for a program that could be implemented with input from the DGAP. Conversely, assistance to the MOJ, with which our relations are good and growing, in revising the penal code and setting up conditional release programs might be easier and less controversial first steps towards building broader trust and programming. The Mission has also requested Washington funding for a longer-term, more comprehensive approach, including under Section 1207 and/or MEPI, that would also focus on pre-intake, prison conditions and vital support for the re-entry into society of those whose term is finished. End Comment.

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